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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,284	02/14/2002	Jeffrey M. Harrington	10015.02	3297
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OPTV/MOFO C/O MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD, SUITE 300 MCLEAN, VA 22102			EXAMINER NAWAZ, ASAD M	
			ART UNIT 2155	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/077,284

Applicant(s)

HARRINGTON, JEFFREY M.

Examiner

Asad M. Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26,28-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26,28-38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/5/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the arguments filed on 9/5/2006. No new claims have been added, amended, or canceled. Accordingly, claims 1-26, 28-38, and 40 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26, 28-38, and 40 are rejected under 35 U.S.C. 103(a) as being taught by Chaddha et al (US Patent 6,173,317) hereinafter referred to as Chaddha further in view of Billmaier (US Patent 6, 630,963).

Chaddha substantially teaches the applicant's invention. Chaddha teaches streaming and displaying a video stream with synchronized annotations over a computer network. Client computers retrieve and display synchronized annotations from distributed servers within a LAN or WAN. These supplemental annotations include displayable events (text or graphics) in the form of html pages with Java applets or Active X controls.(abstract)

As to claim 1, Chaddha teaches a method for synchronizing a programming signal with a movie on a client device, the method comprising:

receiving a programming signal on a client device, receiving an URI, wherein the URI specifies a location in a network from where a movie which relates to the programming signal can be obtained (Abstract; Fig 10A; col 5, lines 10-54; col 8, lines 3-21 video, audio, and annotation packets are pulled by the client from a server via http. annotations may also include a url of where to retrieve further information.);

retrieving the movie from the location; loading the movie on the client device, the client device including a player and receiving a command at the client device from the server, the command directing the movie on the client device to be synchronized with the programming signal. (Abstract; Fig 10A; col 2, lines 50-57; col 5, lines 10-54; col 8, lines 3-21; video and audio streams as well as annotation streams are synchronized so that the client is able to display the video frames and displayable events.)

However, Chaddha does not explicitly indicate the movie being a vector graphic animation movie or that the command at the client device from a server is received after the vector animation movie is retrieved from a location.

Billmaier teaches a system and method for synchronizing a video program from a TV broadcast with a secondary audio program. The invention, as taught by Billmaier, also teaches an embodiment in which the video program is synchronized with one or more programmed events that can include displaying text and/or graphics or animation such as a vector graphic animation. (col 9, lines 28-57)

Billmaier teaches a system and method for synchronizing a video program with a vector graphic animation movie (col 9, lines 28-57; a video program and a flash animation are synchronized) and receiving a command at the client device from a

server after the vector animation movie is retrieved from the location (abstract and col 9, lines 50-57; after a secondary audio program is selected, it is synhronized with the video program).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Billmaier over Chaddha to make the system more flexible by enabling the system to use a wider range of secondary programming such as vector graphic animations.

Claims 12, 20, 22, 28, 33, 34, 35, and 40 are essentially the method, program, system, apparatus, memory, computer readable media, and signal for the above-mentioned claim and are thus rejected under similar rationale.

As to claim 2, Chaddha teaches the method of claim 1, wherein the programming signal includes at least one of a video signal, an audio signal, a streaming video signal, and a streaming audio signal. (col 1, lines 55-58)

Claim 21 is essentially the system for the above-mentioned method and is thus rejected under similar rationale.

As to claim 3, Chaddha teaches the method of claim 1, wherein the URI is included as at least one of received with the programming signal, embedded in the programming signal, and embedded in a vertical blanking interval of the programming signal. (Abstract; col 2, lines 50-57)

Claims 26 is essentially the apparatus for the above mentioned claim and is thus rejected under similar rationale.

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As to claim 4, Chaddha teaches the method of claim 1, wherein the network includes at least one of a publicly accessible network, a privately accessible network, a distributed community network, a wireless network, an extranet, an Internet, and an intranet. (col 2, lines 26-37)

Claim 36 contains similar limitations as the above-mentioned method and is thus rejected under similar rationale.

As to claim 5, Chaddha teaches the method of claim 1, wherein the client device includes a Web browser having a plug-in. (col 8, lines 22-30)

Claims 14 is essentially the program for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 6, Chaddha teaches the method of claim 5, wherein the Web browser includes a receiver in communication with a bridge layer, the bridge layer for transmitting the command to the movie. (Abstract; col 2, lines 26-37)

Claim 15 is essentially the program for the above-mentioned method and is thus rejected under similar rationale.

As to claim 7, Chaddha teaches the method of claim 6, wherein the receiver includes at least one of a receiver applet, an ActiveX control, a Java applet, and a persistent socket function of a movie. (Abstract; col 2, lines 26-37)

Claims 13 and 16 are essentially the program for the above-mentioned claim and are thus rejected under similar rationale.

As to claim 8, Chaddha teaches the method of claim 1, wherein the command is received through the playback of a playlist residing on a server. (Abstract; col 2, lines 47-67)

Claims 17 and 29 are essentially the program, and method for the above-mentioned claim and are thus rejected under similar rationale.

As to claim 9, Chaddha teaches the method of claim 1 wherein the command is generated by a producer connected with the network. (col 7, lines 7-14)

Claims 18 and 30 are essentially the program and method for the above-mentioned claim and are thus rejected under similar rationale.

As to claim 10, Chaddha teaches the method of claim 1, wherein the Vector graphic animation player includes at least one of an email client capable of displaying movies, a projector, a plug-in with persistent socket capabilities, a projector with persistent socket capabilities, and a projector used as a screen saver. (col 1, lines 55-58)

Claims 18 is essentially the program for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 11, Chaddha teaches the method of claim 1, wherein the command is received via a persistent socket. (col 8, lines 56-59)

Claims 37 is essentially the method for the above-mentioned claim and is thus rejected under similar rationale.

As to claim 23, Chaddha teaches the apparatus of claim 22, wherein the at least one presentation device includes a first presentation device for presenting the

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programming signal and a second presentation device for presenting the movie. (col 8, lines 14-21)

As to claim 24, Chaddha teaches the apparatus of claim 22, wherein the presentation device presents the programming signal on a first layer and the movie on a second layer. (Abstract; col 2, lines 26-37)

As to claim 25, Chaddha teaches the apparatus of claim 22, wherein the presentation device presents the programming signal on a first window and the movie on a second window. (Abstract; col 2, lines 47-67)

As to claim 31, Chaddha teaches the method of claim 28, wherein the command is generated live. (col 7, lines 53-59)

As to claim 32, Chaddha teaches the method of claim 28, wherein the command is received via a command line interface. (col 5, lines 45-54)

As to claim 38, Chaddha teaches the method of claim 35, wherein the real-time data feed includes at least one of a stock ticker, a sports ticker, a news ticker, an advertising ticker, and a current event ticker. (col 6, lines 64-67)

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive. In substance, the applicant argues that Billmaier fails to disclose or suggest a command being received from a server after the vector animation movie is retrieved.

In response, Billmaier teaches that after a secondary audio program is selected, a transmission delay to synchronize the audio with the current video program is calculated. Thereafter the command to delay the transmission, via buffering is transmitted. Therefore, Billmaier not only teaches a command being sent, but also the synchronization of the programming signal. Therefore, Chadda in view of Billmaier teach all the limitations as currently claimed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SALEH NAJJAR
SUPERVISORY PATENT EXAMINER